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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,866	01/22/2004	Edward Eytchison	Sony-29000	8507
28960 7590 01/06/2009 HAVERSTOCK & OWENS LLP 162 N WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER ALI, FARHAD	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/763,866	Applicant(s) EYTCHEISON ET AL.	
	Examiner FARHAD ALI	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims:

Claims 1-11, 13-20, and 22-24 are pending in this Office Action.

Claims 1, 7-9, 17, 20, and 23-24 are amended.

Claims 12 and 21 are cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 13-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warren (US 2003/0204612 A1) in view of Lozinski (US 5,623,695 A).

Claim 1

Warren teaches a method comprising:

detecting at least one device (See figure 4, number 404 “identify network element”);

detecting a protocol associated with each device (See figure 4, number 406 “identify communications protocol”);

matching the detected protocol with a protocol translator module; and using the protocol translator module to translate a command formatted in the protocol into a

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translated command (See figure 4, number 414 “translate device command” and paragraph [0020] “In a particular embodiment, manager 102 communicates using a web services protocol, and abstraction device 106 translates between the web services protocol and the protocols used by network elements 108. This may allow manager 102 to communicate with different network elements 108 using a common protocol”).

Warren fails to teach wherein the translated command is formatted in a common application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications.

However, Lozinski teaches in Column 1 lines 50-54 “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” in order that “an application program can select at any particular time which of the facilities to communicate with using the interface” (Column 1 lines 56-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Warren to include “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” as taught by Lozinski in order that “an application program can select at any particular time which of the facilities to communicate with using the interface”.

Claim 2

The modified Warren teaches the method according to claim 1, further comprising searching for the device from a plurality of devices based on a device identifier (paragraph [0065] “Device identifier”).

Claim 3

The modified Warren teaches the method according to claim 1, further comprising searching for the device from a plurality of devices based on a content type (paragraph [0065] “Device identifier” and “Other and/or additional information may be included in identification information 352 without departing from the scope of the present invention”).

Claim 4

The modified Warren teaches the method according to claim 1, further comprising searching for the device from a plurality of devices based on a device type (paragraph [00703] “Device type identifier”).

Claim 5

The modified Warren teaches the method according to claim 1, further comprising searching for the device from a plurality of devices based on a device's availability (paragraph [0065] “Device identifier” and “Other and/or additional information

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may be included in identification information 352 without departing from the scope of the present invention”).

Claim 6

The modified Warren teaches the method according to claim 1, further comprising searching for the protocol translator module (paragraph [0070] “Abstraction device 206 identifies the communications protocol used by the identified network element 108 at step 406. This may include, for example, command translator 234 using device information 254 and/or device type information 256 in database 236 to identify the communications protocol”).

Claim 7

Warren teaches a system comprising:

means for detecting at least one device (See figure 4, number 404 “identify network element”);

means for detecting a protocol associated with each device (See figure 4, number 406 “identify communications protocol”);

means for matching the detected protocol with a protocol translator module; and
means for using the protocol translator module to translate a command formatted in the protocol into a translated command (See figure 4, number 414 “translate device command” and paragraph [0020] “In a particular embodiment, manager 102 communicates using a web services protocol, and abstraction device 106 translates

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between the web services protocol and the protocols used by network elements 108.

This may allow manager 102 to communicate with different network elements 108 using a common protocol”).

Warren fails to teach wherein the translated command is formatted in a common application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications.

However, Lozinski teaches in Column 1 lines 50-54 “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” in order that “an application program can select at any particular time which of the facilities to communicate with using the interface” (Column 1 lines 56-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Warren to include “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” as taught by Lozinski in order that “an application program can select at any particular time which of the facilities to communicate with using the interface”.

Claim 8

Warren teaches a method comprising:

detecting at least one service (See figure 4, number 404 “identify network element”);

detecting a protocol associated with each service (See figure 4, number 406 “identify communications protocol”);

matching the detected protocol with a protocol translator module; and using the protocol translator module to translate a command formatted in the protocol into a translated command (See figure 4, number 414 “translate device command” and paragraph [0020] “In a particular embodiment, manager 102 communicates using a web services protocol, and abstraction device 106 translates between the web services protocol and the protocols used by network elements 108. This may allow manager 102 to communicate with different network elements 108 using a common protocol”).

Warren fails to teach wherein the translated command is formatted in a common application programming interface, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications.

However, Lozinski teaches in Column 1 lines 50-54 “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” in order that “an application program can select at any particular time which of the facilities to communicate with using the interface” (Column 1 lines 56-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Warren to include “a data processing system in

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which an application program can communicate with two or more system facilities via a programming interface common to the facilities” as taught by Lozinski in order that “an application program can select at any particular time which of the facilities to communicate with using the interface”.

Claim 9

Warren teaches a method comprising:

detecting a plurality of devices wherein each unique device communicates using a corresponding protocol (See figure 4, number 404 “identify network element”);

displaying an indication of each device if a protocol translator module is matched with the corresponding protocol (See figure 4, number 406 and 412, “identify network element” and “Map information”); and

translating a command formatted in the corresponding protocol into a translated command (See figure 4, number 414 “translate device command” and paragraph [0020] “In a particular embodiment, manager 102 communicates using a web services protocol, and abstraction device 106 translates between the web services protocol and the protocols used by network elements 108. This may allow manager 102 to communicate with different network elements 108 using a common protocol”).

Warren fails to teach wherein the translated command is formatted in a common application programming interface through the protocol translator module, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications.

However, Lozinski teaches in Column 1 lines 50-54 “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” in order that “an application program can select at any particular time which of the facilities to communicate with using the interface” (Column 1 lines 56-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Warren to include “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” as taught by Lozinski in order that “an application program can select at any particular time which of the facilities to communicate with using the interface”.

Claim 10

The modified Warren teaches the method according to claim 9, further comprising detecting the corresponding protocol from each device (See figure 4, number 406 “identify communications protocol”).

Claim 11

The modified Warren teaches the method according to claim 9, further comprising storing the protocol translator module (paragraph [0052], “Database 236 may include any hardware, software, firmware, or combination thereof suitable to store and facilitate retrieval of information. Database 236 may store any suitable information

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used by abstraction device 206 to perform command translation or other functions” and paragraph [0054], “Database 236 may also store device type information 256. Device type information 256 may, for example, identify each device type in system 100, the communications protocol used by each of the device types, and any other suitable information about the device types”).

Claim 13

The modified Warren teaches the method according to claim 9, further comprising searching for a specific device from the plurality of devices based on a device identifier (paragraph [0065] “Device identifier”).

Claim 14

The modified Warren teaches the method according to claim 9, further comprising searching for a specific device from the plurality of devices based on a content type (paragraph [0065] “Device identifier” and “Other and/or additional information may be included in identification information 352 without departing from the scope of the present invention”).

Claim 15

The modified Warren teaches the method according to claim 9, further comprising searching for a specific device from the plurality of devices based on a device type (paragraph [00703] “Device type identifier”).

Claim 16

The modified Warren teaches the method according to claim 9, further comprising searching for a specific device from the plurality of devices based on a device's availability (paragraph [0065] "Device identifier" and "Other and/or additional information may be included in identification information 352 without departing from the scope of the present invention").

Claim 17

Warren teaches a method comprising:

identifying a plurality of protocol translator modules wherein each protocol translator module is associated with a unique protocol; storing a list representing the plurality of protocol translator modules (paragraph [0052], "Database 236 may include any hardware, software, firmware, or combination thereof suitable to store and facilitate retrieval of information. Database 236 may store any suitable information used by abstraction device 206 to perform command translation or other functions" and paragraph [0054], "Database 236 may also store device type information 256. Device type information 256 may, for example, identify each device type in system 100, the communications protocol used by each of the device types, and any other suitable information about the device types");

displaying an indication of each device having a device protocol that is compatible with one of the plurality of protocol translator modules in the list(See figure 4, number 406 “identify communications protocol”); and

translating a command formatted in the device protocol into a translated command (See figure 4, number 414 “translate device command” and paragraph [0020] “In a particular embodiment, manager 102 communicates using a web services protocol, and abstraction device 106 translates between the web services protocol and the protocols used by network elements 108. This may allow manager 102 to communicate with different network elements 108 using a common protocol”).

Warren fails to teach wherein the translated command is formatted in a common application programming interface through one of the plurality of protocol translator modules, wherein the common application programming interface is a single application programming interface that is configured to be used by a plurality of applications.

However, Lozinski teaches in Column 1 lines 50-54 “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” in order that “an application program can select at any particular time which of the facilities to communicate with using the interface” (Column 1 lines 56-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Warren to include “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” as taught by Lozinski in order that “an

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application program can select at any particular time which of the facilities to communicate with using the interface”.

Claim 18

The modified Warren teaches the method according to claim 17, further comprising searching for additional protocol translator modules (paragraph [0052], “Database 236 may include any hardware, software, firmware, or combination thereof suitable to store and facilitate retrieval of information. Database 236 may store any suitable information used by abstraction device 206 to perform command translation or other functions”).

Claim 19

The modified Warren teaches the method according to claim 18, further comprising updating the index in response to the searching for additional protocol translator modules (paragraph [0052], “Database 236 may include any hardware, software, firmware, or combination thereof suitable to store and facilitate retrieval of information. Database 236 may store any suitable information used by abstraction device 206 to perform command translation or other functions”).

Claim 20

Warren teaches a system comprising:

a first device configured for operating using a first protocol; a second device configured for operating using a second protocol; and a protocol translation layer configured for searching for a first protocol translation module corresponding to the first protocol and for searching for a second protocol translation module corresponding to the second protocol (paragraph [0006] “The apparatus further includes a plurality of protocol converters, each operable to receive at least one device command, translate the at least one device command from a first protocol to a second protocol, and communicate the at least one device command to one or more network or non-network device elements. At least two of the protocol converters are operable to translate the at least one device command into different second protocols”), wherein the protocol translation layer is configured to translate a first command formatted in the first protocol into a command (See figure 4, number 414 “translate device command” and paragraph [0020] “In a particular embodiment, manager 102 communicates using a web services protocol, and abstraction device 106 translates between the web services protocol and the protocols used by network elements 108. This may allow manager 102 to communicate with different network elements 108 using a common protocol”).

Warren fails to teach a plurality of applications configured for operating through a single, common application programming interface; wherein the translated command is formatted in the single, common application programming interface for use by one of the plurality of applications and to translate a second command formatted in the second protocol into a command formatted in the single, common application programming interface for use by another one of the plurality of applications.

However, Lozinski teaches in Column 1 lines 50-54 “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” in order that “an application program can select at any particular time which of the facilities to communicate with using the interface” (Column 1 lines 56-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Warren to include “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” as taught by Lozinski in order that “an application program can select at any particular time which of the facilities to communicate with using the interface”.

Claim 22

The modified Warren teaches the system according to claim 20, further comprising a presentation layer configured for displaying the first device after locating the first protocol translation module (paragraph [0032] “Abstraction device 106 may include any hardware, software, firmware, or combination thereof for facilitating communication between components of system 100”);

Claim 23

Warren teaches a network protocol translation system comprising:

a processor that executes a plurality of run time processes (paragraph [0032]
“Abstraction device 106 may include any hardware, software, firmware, or combination thereof for facilitating communication between components of system 100”);

wherein the processor enables at least one of the run time processes to communicate via a first network protocol by executing a first translation module that translates between the first network protocol; and wherein the processor enables the at least one of the run time processes to communicate via a second network protocol, different from the first network protocol, by executing a second translation module that translates between the second network protocol and the application programming interface (See figure 4, number 414 “translate device command” and paragraph [0006]
“The apparatus further includes a plurality of protocol converters, each operable to receive at least one device command, translate the at least one device command from a first protocol to a second protocol, and communicate the at least one device command to one or more network or non-network device elements. At least two of the protocol converters are operable to translate the at least one device command into different second protocols”).

Warren fails to teach wherein the processes use only a single application programming interface for network communication; wherein the first translation module translates to a single application programming interface; and wherein the second translation module translates to a single application programming interface for network communication.

However, Lozinski teaches in Column 1 lines 50-54 “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” in order that “an application program can select at any particular time which of the facilities to communicate with using the interface” (Column 1 lines 56-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Warren to include “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” as taught by Lozinski in order that “an application program can select at any particular time which of the facilities to communicate with using the interface”.

Claim 24

Warren teaches a method, executed on a computing platform, comprising the acts of:

executing a plurality of run time processes (paragraph [0032] “Abstraction device 106 may include any hardware, software, firmware, or combination thereof for facilitating communication between components of system 100”);

enabling at least one of the run time processes to communicate via a first network protocol by executing a first translation module that translates between the first network protocol; and enabling the at least one of the run time processes to communicate via a second network protocol, different from the first network protocol, by executing a second

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translation module that translates between the second network protocol (See figure 4, number 414 “translate device command” and paragraph [0006] “The apparatus further includes a plurality of protocol converters, each operable to receive at least one device command, translate the at least one device command from a first protocol to a second protocol, and communicate the at least one device command to one or more network or non-network device elements. At least two of the protocol converters are operable to translate the at least one device command into different second protocols”).

Warren fails to teach wherein the processes use only a single application programming interface for network communication; wherein the first translation module translates to a single application programming interface; and wherein the second translation module translates to a single application programming interface for network communication.

However, Lozinski teaches in Column 1 lines 50-54 “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” in order that “an application program can select at any particular time which of the facilities to communicate with using the interface” (Column 1 lines 56-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Warren to include “a data processing system in which an application program can communicate with two or more system facilities via a programming interface common to the facilities” as taught by Lozinski in order that “an

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application program can select at any particular time which of the facilities to communicate with using the interface”.

Response to Arguments

3. Applicant's arguments with respect to claims 1-11, 13-20, and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARHAD ALI whose telephone number is (571)270-1920. The examiner can normally be reached on Monday thru Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Farhad Ali/
Examiner, Art Unit 2446

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446